ORDER No. P. 3975-84—CTS. 146-28-2, DATED 29TH JANUARY 1929.

Government agree with the Judges of the Chief Court and direct that the Special First Class Magistrate's Court and the Special Second Class Magistrate's Court at each of the following places, namely, Bangalore, Kolar, Tumkur, Shimoga and Chitaldrug, be designated as the First Magistrate's Court and the Second Magistrate's Court respectively.

P. MAHADEVAYYA,
Secretary to Government,
Law Department.

Reviews the Report on the Administration of Civil Justice in the State for the year 1927-28.

READ—

The Report on the Administration of Civil Justice in Mysore for 1927-28, received from the Registrar, Chief Court, with his letter No. P. 38—27-28, dated 10th October 1928.

ORDER No. P. 4072-73—CTS. 89-28-2, DATED 31ST JANUARY 1929.

Recorded.

2. *Number of Courts.*—The total number of courts at the close of the year under the Chief Court was 34, consisting of the Courts of 3 District Judges, 5 Subordinate Judges (including 2 temporary Subordinate Judges at Mysore and Shimoga), one Small Cause Judge and 25 Munsiffs (including one temporary Munsiff at Sagar). There were in addition 186 Village Courts, of which only 117 were actually working.

3. *Original Work.—(a) Institutions.*—There was an appreciable increase in the number of suits instituted, *viz.*, from 37,239 (15,594 ordinary and 21,645 Small Cause) in the previous year to 43,646 (19,170 ordinary and 24,476 Small Cause) in the year under review. This latter number includes 3,814 suits pending on 14th October 1927, which were transferred from Court to Court as a result of the establishment of new courts and the consequent readjustment of jurisdiction from that date and the net increase in institutions was 2,593 over those of the previous year.

(*b*) *Disposals.*—The courts started work with an opening balance of 17,193 suits and, with fresh institutions and suits re-filed and remanded, had 58,154 suits for disposal. They disposed of 39,259 suits (16,389 ordinary and 22,870 Small Cause) against 38,374 (15,978 ordinary and 22,396 Small Cause) in the previous year. In spite of this improvement in the number of suits disposed of, the pendency rose from 17,193 in 1926-27 to 18,895 in consequence of the large increase in the number of institutions during the year. Government are glad to observe that greater attention is being paid to the disposal of old cases. The number of applications for setting aside orders of dismissal and exparte decrees, however, continued to be on the increase and points to the need for checking hasty disposal.

Duration.—Government are glad to observe that the establishment of additional courts has, as anticipated, tended to reduce the average duration of suits. The average duration of contested ordinary suits decreased from 551·6 days in 1926-27 to 515·5 days in the year under review, that of contested small causes from 267·2 to 228·1 days and of both kinds of suits together from 442·8 to 394·84 days.

4. *Execution of Decrees.*—Including 29,317 applications pending from the previous year there were for disposal 80,527 applications for execution of decrees against 71,480 in 1926-27. The number disposed of was 50,676 against 42,153 in the previous year leaving 29,851 pending at the close of the year against 29,327 at the end of 1926-27. The percentage of applications that proved wholly infructuous also showed an improvement, being 52·2 against 58·9 in the previous year, but is still very large and demands further attention.

5. *Appeals in Subordinate Appellate Courts.*—Including the arrears of the previous year, the District Judges had for disposal 886 appeals against 921 and the Subordinate Judges 818 appeals against 596 in the previous year. The District Judges disposed of 256 appeals against 247 in 1926-27 and the Subordinate Judges 377 against 326 in the previous year. The number of appeals pending at the end of the year was 630 against 674 in 1926-27 in the Courts of District Judges and 441 against 270 in 1926-27 in the Courts of the Subordinate Judges. The average duration of appeals decreased to 337·98 days from 381·87 in 1926-27 in the Courts of the District Judges. In the Courts of the Subordinate Judges on the other hand, there was a marked increase from 377·84 in 1926-27 to 643·76 days in the year under review and it is attributed to the disposal of old appeals in the Shimoga Division dating back to the year 1922-23.

6. *Chief Court.*—The Chief Court had before them for disposal during the year 2,089 cases of all classes as against 1,965 in the year 1926-27 and disposed of 993 cases against 708 in the previous year with the result that there was an improvement in the disposals to the extent of 11 per cent.

(*i*) *First Appeals.*—The number of first appeals filed during the year fell from 313 in 1926-27 to 178 in the year under review in consequence of the withdrawal with effect from 1st December 1927 of the appellate jurisdiction of the Chief Court over the Bangalore Division in respect of appeals of the value of Rs. 3,000 and below. Including 857 appeals pending from the previous year, the total number of first appeals for disposal was 1,035 against 1,037 in the previous year. The number disposed of was 372 as against 180 in the previous year, leaving 663 appeals pending at the end of the year. It is gratifying to find that the number of disposals was the highest on record, for the past two decades.

(*ii*) *Second Appeals.*—There was perceptible improvement in the disposal of second appeals also. The number of such appeals filed during the year was 173 as against 155 in 1926-27. Including 182 appeals pending from the previous year and 2 appeals refiled, there were for disposal 357 appeals as against 335 in the previous year and 203 appeals were disposed of against 153 in 1926-27 and the pendency at the end of the year was reduced to 154 against 182 in 1926-27.

(*iii*) *Average duration.*—The general average duration showed a rise in the case of both first and second appeals, the figures being 850·06 days and 381 respectively against 647·48 and 273·67 days in 1926-27. But this was due to the disposal of a large number of old appeals during the year under review.

7. *Inspections.*—The Chief Judge and the other Judges of the Chief Court, inspected all the Subordinate Courts, except two Munsiffs' Courts and the inspection by the District Judges of the Courts subordinate to them was also satisfactory.

8. The Civil and Magisterial branches of the Judicial Service were amalgamated during the year under review. The Special Second Class Magistrate's Court at Hole-Narsipur was abolished and the jurisdiction of that Court was combined with the Civil Jurisdiction of the Munsiff's Court at the place. The question of extending this arrangement as far as practicable is being investigated by the Chief Court and the result is awaited.

P. MAHADEVAYYA,
Secretary to Government,
Law Department.

GENERAL SECRETARIAT

Passing orders on the Report on Tuberculosis in Mysore by Dr. P. S. Chandrasekar, B.A., M.D.

READ—

Report on Tuberculosis in Mysore by Dr. P. S. Chandrasekar, B.A., M.D., Special Officer, Tuberculosis Survey.

2. Government Order No. G. 13907-9—Med. 43-27-44, dated the 18th June 1928, conveying the thanks and appreciation of Government to Dr. Chandrasekar for his interesting and exhaustive report and stating that it would be printed and published for general information.